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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/693,721      | 10/25/2003  | Amalavoyal Narasimha Chari | TROPOS-1006-CON     | 5348             |

7590 01/11/2008  
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| EXAMINER                |
|-------------------------|
| AJIBADE AKONAI, OLUMIDE |

| ART UNIT | PAPER NUMBER |
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| 2617     |              |

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|------------|---------------|
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/693,721

Applicant(s)

CHARI ET AL.

Examiner

Olumide T. Ajibade-Akonai

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-63 and 66-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-63 and 66-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 40-48 and 53-63** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,704,301 in view of Hummel WO 00/07333. Regarding **claim 40**, Claim 1 of U.S. Patent No. 6,704,301 includes all the limitations of claim 49 of the instant application as follows: receiving a broadcast beacon by a client; storing every beacon received; designating one path identified by one beacon as the optimal path; setting a default gateway as identified in the optimal path; and rebroadcasting only the beacon representing the optimal path. However, claim 1 of U.S. Patent No. 6,704,301 does not disclose the following limitation: "the client deriving information from the beacon the

information allowing the client to identify all other clients in a multi-hop path from the client to a server". In the same field of endeavor, Hummel discloses "the client deriving information from the beacon (retrieving IP address and route branch from the identification information record K1, see page 12, lines 25-35, page 13, lines 1-26, page 14, lines 6-31), the information allowing the client to identify all other clients in a multi-hop path from the client to a server (retrieving IP address and route branch from the identification information record K1, so that the transit network nodes TK1-TK5 know all the other transit nodes from the source network node UK to destination network nodes Z1, Z4 and destination terminals Z2, Z3, see page 11, lines 6-19, page 12, lines 25-35, page 13, lines 1-26, page 14, lines 6-31). It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify U.S. Patent No. 6,704,301 by sending routing information all the network nodes in a multi-node network for the benefit of efficiently transmitting data in a communications network.

**Claims 49-52** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,704,301 in view of Hummel WO 00/07333. Regarding **claim 49**, Claim 10 of U.S. Patent No. 6,704,301 includes all the limitations of claim 49 of the instant application as follows: receiving a broadcast beacon at a client, wherein the broadcast beacon includes a sequence number representing a current routing cycle.

However, claim 10 of U.S. Patent No. 6,704,301 does not disclose the following limitation: "the client deriving information from the beacon the information allowing the client to identify all other clients in a multi-hop path from the client to a server". In the

same field of endeavor, Hummel discloses "the client deriving information from the beacon (retrieving IP address and route branch from the identification information record K1, see page 12, lines 25-35, page 13, lines 1-26, page 14, lines 6-31), the information allowing the client to identify all other clients in a multi-hop path from the client to a server (retrieving IP address and route branch from the identification information record K1, so that the transit network nodes TK1-TK5 know all the other transit nodes from the source network node UK to destination network nodes Z1, Z4 and destination terminals Z2, Z3, see page 11, lines 6-19, page 12, lines 25-35, page 13, lines 1-26, page 14, lines 6-31). It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify U.S. Patent No. 6,704,301 by sending routing information all the network nodes in a multi-node network for the benefit of efficiently transmitting data in a communications network.

**Claims 66-79** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 6,704,301 in view of Hummel WO 00/07333. Regarding **claim 66**, Claim 22 of U.S. Patent No. 6,704,301 includes all the limitations of claim 49 of the instant application as follows: receiving a broadcast beacon from the server or one of the server or another client, wherein the beacon includes a sequence number representing a current routing cycle; rebroadcasting the one beacon received from an upstream node; and broadcasting a reverse beacon upstream, the reverse beacon being addressed to the known upstream node, the reverse beacon used by the server and each client to set up a routing table. However, claim 22 of U.S. Patent No. 6,704,301 does not disclose the following

limitation: "the client deriving information from the beacon the information allowing the client to identify all other clients in a multi-hop path from the client to a server". In the same field of endeavor, Hummel discloses "the client deriving information from the beacon (retrieving IP address and route branch from the identification information record K1, see page 12, lines 25-35, page 13, lines 1-26, page 14, lines 6-31), the information allowing the client to identify all other clients in a multi-hop path from the client to a server (retrieving IP address and route branch from the identification information record K1, so that the transit network nodes TK1-TK5 know all the other transit nodes from the source network node UK to destination network nodes Z1, Z4 and destination terminals Z2, Z3, see page 11, lines 6-19, page 12, lines 25-35, page 13, lines 1-26, page 14, lines 6-31). It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify U.S. Patent No. 6,704,301 by sending routing information all the network nodes in a multi-node network for the benefit of efficiently transmitting data in a communications network.

### ***Response to Arguments***

3. Applicant's arguments, see pages 1-12 of the remarks, filed 19 October 2007, with respect to the rejection(s) of claim(s) 40-63, and 66-79 under 35 U.S.C. § 102(a) and 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,704,301 and Hummel WO 00/07333.

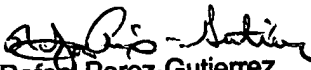
**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/7/08